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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FAIR MAPS NEVADA, a Nevada political action committee, SONDRA COSGROVE, DOUGLAS GOODMAN, and ROBERT MACDONALD,

Plaintiffs,

vs.

BARBARA CEGAVSKE, in her official capacity as Nevada Secretary of State, JOSEPH P. GLORIA, in his official capacity as Clark County Registrar of Voters, DEANNE SPIKULA, in her official capacity as Washoe County Registrar of Voters, KRISTINA JAKEMAN, in her official capacity as Elko County Clerk, SADIE SULLIVAN, in her official capacity as Lander County Clerk, LACEY DONALDSON, in her official capacity as Pershing County Clerk Treasurer, VANESSA STEVENS, in her official capacity as Storey County Clerk Treasurer, NICHOLE BALDWIN, in her official capacity as White Pine County Clerk, SANDRA MERLINO, in her official capacity as Nye County Clerk, TAMMI RAW SPERO, in her official capacity as Humboldt County Clerk, KATHY LEWIS, in her official capacity as Douglas County Clerk-Treasurer, LINDA ROTHERY, in her official capacity as Churchill County Clerk-Treasurer, LACINDA ELGAN, in her official capacity as Esmeralda County Clerk-Treasurer, LISA C. LLOYD, in her official capacity as Lincoln County Clerk, LISA HOEHNA, in her official capacity as Eureka County Clerk, CHRISTOPHER

Case No: 3:20-cv-00271-MMD-WGC

**DEFENDANT JOSEPH P. GLORIA'S
ANSWER TO PLAINTIFFS'
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF (ECF
#1)**

1 NEPPER, in his official capacity as Mineral)
2 County Clerk-Treasurer, NIKKI BRYAN,)
3 in her official capacity as Lyon County)
Clerk Treasurer, and AUBRY ROWLATT,)
4 in her official capacity as Carson City)
Clerk-Recorder)
Defendants.))

5 **DEFENDANT JOSEPH P. GLORIA'S ANSWER TO PLAINTIFFS' COMPLAINT
6 FOR DECLARATORY AND INJUNCTIVE RELIEF (ECF #1)**

7 COMES NOW, Defendant, JOSEPH P. GLORIA, through his attorney STEVEN B.
8 WOLFSON, District Attorney, by MARY-ANNE MILLER, County Counsel, and in answer
9 to Plaintiff's Complaint for Declaratory and Injunctive Relief on file herein, admits, denies
10 and alleges as follows:

11 Nature of the Action

12 1. This Defendant is without sufficient information and knowledge upon which to
13 form a belief as to the truth of the allegations contained in Paragraphs 1, 2, and 3 of this
14 section of Plaintiffs' Complaint and on that basis, denies each and every allegation contained
15 therein.

16 Parties

17 2. This Defendant is without sufficient information and knowledge upon which to
18 form a belief as to the truth of the allegations contained in Paragraphs 4, 5, 6, and 7 of this
19 section of Plaintiffs' Complaint and on that basis, denies each and every allegation contained
20 therein.

21 3. This Defendant admits the allegations contained in Paragraphs 8, 9, 10, 11, 12,
22 13, 14, 15 16, 17, 18, 19, 20, 21, 22, 23, and 24 of this section of Plaintiffs' Complaint.

23 Jurisdiction and Venue

24 4. This Defendant denies the allegations contained in Paragraphs 25, 26, and 27
25 of this section of Plaintiffs' Complaint.

26 5. This Defendant admits that the defendants named in Paragraph 28 are county
27 officials who work in their respective counties, but this Defendant is without sufficient
28 information and knowledge upon which to form a belief as to the truth of the remaining

1 allegations contained in Paragraph 28 of this section of Plaintiffs' Complaint and on that
2 basis, denies each and every such allegation.

3 6. This Defendant denies the allegations contained in Paragraph 29 of this section
4 of Plaintiffs' Complaint.

5 Factual Background – The Initiative

6 7. This Defendant is without sufficient information and knowledge upon which to
7 form a belief as to the truth of the allegations contained in Paragraphs 30, 31, and 32 of this
8 section of Plaintiffs' Complaint and on that basis, denies each and every allegation contained
9 therein.

10 8. This Defendant admits the allegations contained in Paragraphs 33, 34, and 35
11 of this section of Plaintiffs' Complaint.

12 Factual Background – The Pandemic

13 9. This Defendant is without sufficient information and knowledge upon which to
14 form a belief as to the truth of the allegations contained in Paragraphs 36, 37, 38, 39, 40, 41,
15 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, and 56 of this section of Plaintiffs'
16 Complaint and on that basis, denies each and every allegation contained therein.

17 Factual Background – Signature Gathering During the Pandemic

18 10. This Defendant denies the allegations contained in Paragraphs 57, 58, 59, 60,
19 61, 62, 63 and 64 of this section of Plaintiffs' Complaint.

20 Factual Background – Nevada and other states have taken action to protect political
21 speech in light of Covid 19

22 11. This Defendant admits the allegations contained in Paragraph 66 of this section
23 of Plaintiffs' Complaint.

24 12. This Defendant denies the allegations contained in Paragraph 67 of this section
25 of Plaintiffs' Complaint.

26 13. This Defendant is without sufficient information and knowledge upon which to
27 form a belief as to the truth of the allegations contained in Paragraphs 68, 69, 70, 71, and 72
28 . . .

1 of this section of Plaintiffs' Complaint and on that basis, denies each and every allegation
2 contained therein.

3 Financial Background – Nevada Secretary of State and the Initiative

4 14. This Defendant is without sufficient information and knowledge upon which to
5 form a belief as to the truth of the allegations contained in Paragraphs 73 and 74 of this
6 section of Plaintiffs' Complaint and on that basis, denies each and every allegation contained
7 therein.

8 15. This Defendant notes that Paragraph 75 of this section of Plaintiffs' Complaint
9 contains legal arguments that do not require a response.

10 Causes of Action:

11 Claim 1

12 16. This Defendant realleges and incorporates by reference his responses to all
13 prior paragraphs of Plaintiffs' Complaint in answer to Paragraph 76 of this section of
14 Plaintiffs' Complaint.

15 17. This Defendant notes that Paragraph 77 of this section of Plaintiffs' Complaint
16 contains legal arguments that do not require a response.

17 18. This Defendant denies the allegations contained in Paragraphs 78, 79, 80, 81,
18 82, and 83 of this section of Plaintiffs' Complaint.

19 Claim 2:

20 19. This Defendant realleges and incorporates by reference his responses to all
21 prior paragraphs of Plaintiff's Complaint in answer to Paragraph 84 of this section of
22 Plaintiffs' Complaint.

23 20. This Defendant notes that Paragraphs 85 and 86 of this section of Plaintiffs'
24 Complaint contains legal arguments that do not require a response.

25 21. This Defendant denies the allegations contained in Paragraphs 87, 88, 89, 90,
26 91, and 92 of this section of Plaintiffs' Complaint.

27 ...
28 ...

1 Claim 3:

2 22. This Defendant realleges and incorporates by reference his responses to all
3 prior paragraphs of Plaintiff's Complaint in answer to Paragraph 93 of this section of
4 Plaintiffs' Complaint.

5 23. This Defendant notes that Paragraph 94 of this section of Plaintiffs' Complaint
6 contains legal arguments that do not require a response.

7 24. This Defendant denies the allegations contained Paragraphs 95, 96, 97, 98, 99,
8 and 100 of this section of Plaintiffs' Complaint.

9 Claim 4:

10 25. This Defendant realleges and incorporates by reference his responses to all
11 prior paragraphs of Plaintiff's Complaint in answer to Paragraph 101 of this section of
12 Plaintiffs' Complaint.

13 26. This Defendant notes that Paragraph 102 of this section of Plaintiffs'
14 Complaint contains legal arguments that do not require a response.

15 27. This Defendant denies the allegations contained in Paragraphs 103, 104, 105,
16 106, 107, and 108 of this section of Plaintiffs' Complaint.

17 Claim 5:

18 28. This Defendant realleges and incorporates by reference his responses to all
19 prior paragraphs of Plaintiff's Complaint in answer to Paragraph 109 of this section of
20 Plaintiffs' Complaint.

21 29. This Defendant notes that Paragraph 110 of this section of Plaintiffs'
22 Complaint contains legal arguments that do not require a response.

23 30. This Defendant denies the allegations contained in Paragraphs 111, 112, 113,
24 114, 115, and 116 of this section of Plaintiffs' Complaint.

25 Claim 6:

26 31. This Defendant realleges and incorporates by reference his responses to all
27 prior paragraphs of Plaintiff's Complaint in answer to Paragraph 117 of this section of
28 Plaintiffs' Complaint.

1 32. This Defendant notes that Paragraph 118 of this section of Plaintiffs'
2 Complaint contains legal arguments that do not require a response.

3 33. This Defendant denies the allegations contained in Paragraphs 119, 120, 121,
4 122, 123, and 124 of this section of Plaintiffs' Complaint.

5 Claim 7:

6 34. This Defendant realleges and incorporates by reference his responses to all
7 prior paragraphs of Plaintiff's Complaint in answer to Paragraph 125 of this section of
8 Plaintiffs' Complaint.

9 35. This Defendant notes that Paragraph 126 of this section of Plaintiffs'
10 Complaint contains legal arguments that do not require a response.

11 36. This Defendant denies the allegations contained in Paragraphs 127, 128, 129,
12 130, 131, and 132 of this section of Plaintiffs' Complaint.

13 Claim 8

14 37. This Defendant realleges and incorporates by reference his responses to all
15 prior paragraphs of Plaintiff's Complaint in answer to Paragraph 133 of this section of
16 Plaintiffs' Complaint.

17 38. This Defendant notes that Paragraphs 134 and 135 of this section of Plaintiffs'
18 Complaint contains legal arguments that do not require a response.

19 39. This Defendant denies the allegations contained in Paragraphs 136, 137, 138,
20 139, and 140 of this section of Plaintiffs' Complaint.

21 Claim 9:

22 40. This Defendant realleges and incorporates by reference his responses to all
23 prior paragraphs of Plaintiff's Complaint in answer to Paragraph 141 of this section of
24 Plaintiffs' Complaint.

25 41. This Defendant notes that Paragraph 142 of this section of Plaintiffs'
26 Complaint contains legal arguments that do not require a response.

27 42. This Defendant denies the allegations contained in Paragraphs 143, 144, 145,
28 146 and 147 of this section of Plaintiffs' Complaint.

1 Claim 10:

2 43. This Defendant realleges and incorporates by reference his responses to all
3 prior paragraphs of Plaintiff's Complaint in answer to Paragraph 148 of this section of
4 Plaintiffs' Complaint.

5 44. This Defendant notes that Paragraph 149 of this section of Plaintiffs'
6 Complaint contains legal arguments that do not require a response.

7 45. This Defendant denies the allegations contained in 150, 151, 152, 153, and 154
8 of this section of Plaintiffs' Complaint.

9 Claim 11:

10 46. This Defendant realleges and incorporates by reference his responses to all
11 prior paragraphs of Plaintiff's Complaint in answer to Paragraph 155 of this section of
12 Plaintiffs' Complaint.

13 47. This Defendant notes that Paragraph 156 of this section of Plaintiffs'
14 Complaint contains legal arguments that do not require a response.

15 48. This Defendant denies the allegations contained Paragraphs 157, 158, 159,
16 160, and 161 of this section of Plaintiffs' Complaint.

17 Claim 12:

18 50. This Defendant realleges and incorporates by reference his responses to all
19 prior paragraphs of Plaintiff's Complaint in answer to Paragraph 162 of this section of
20 Plaintiffs' Complaint.

21 51. This Defendant notes that Paragraph 163 of this section of Plaintiffs'
22 Complaint contains legal arguments that do not require a response.

23 52. This Defendant denies the allegations contained Paragraphs 164, 165, 166,
24 167, and 168 of this section of Plaintiffs' Complaint.

25 Claim 13:

26 53. This Defendant realleges and incorporates by reference his responses to all
27 prior paragraphs of Plaintiff's Complaint in answer to Paragraph 169 of this section of
28 Plaintiffs' Complaint.

1 54. This Defendant admits the allegations contained in Paragraph 170 of this
2 section of Plaintiffs' Complaint.

3 55. This Defendant denies the allegations contained Paragraphs 171, 172, 173, and
4 174 of this section of Plaintiffs' Complaint.

FIRST AFFIRMATIVE DEFENSE

7 The Complaint fails to state a valid claim for relief against this Defendant.

SECOND AFFIRMATIVE DEFENSE

9 Plaintiffs failed to take timely action to assert the claims in this Complaint, and relief
10 should be barred on grounds of equity.

THIRD AFFIRMATIVE DEFENSE

12 The damages claimed in this Complaint are not caused by this Defendant, and relief
13 should not be ordered against him for the actions of others.

FOURTH AFFIRMATIVE DEFENSE

15 This Defendant is entitled to qualified immunity for the claims asserted in the
16 Complaint.

17 Wherefore, this Defendant prays for judgment in his favor as follows:

- 18 1. The Plaintiffs be awarded nothing by virtue of the Complaint in this matter;

19 2. The Defendant be awarded his costs and fees incurred in the defense of this

20 matter; and

21 3. For such other and further relief as to this Court seems just and proper.

DATED this 1st day of June, 2020.

STEVEN B. WOLFSON
DISTRICT ATTORNEY

25 By: /s/Mary-Anne Miller
26 MARY-ANNE MILLER
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CERTIFICATE OF ELECTRONIC SERVICE

I certify that I am an employee of the Office of the Clark County District Attorney and that on this 1st day of May, 2020, I served a true and correct copy of the foregoing **Defendant Joseph P. Gloria’s Answer to Plaintiffs’ Complaint for Declaratory and Injunctive Relief (ECF #1)** through CM/ECF Electronic Filing system of the United States District Court for the District of Nevada (or, if necessary, by U.S. Mail, first class, postage pre-paid), upon the following:

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